

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

DEC 12 2019

CLERK, U.S. DISTRICT COURT  
By /s/ [Signature]  
                         Deputy



2:19-CV-23-Z-BR

v.

Defendants.

On August 23, 2019, the United States Magistrate Judge entered findings and conclusions on Plaintiff's Motion to Remand (ECF No. 18). The Magistrate Judge recommends that Plaintiff's motion (ECF No. 18) be DENIED. No objections to the findings, conclusions, and recommendation have been filed. After making an independent review of the pleadings,<sup>1</sup> files, and records in this case, and the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct. Having found that the Petition presents no possibility of recovery by the Plaintiff against Defendant Brad Cottrell under Texas law, this Court disregards his joinder for purpose of determining subject matter jurisdiction. The Court FINDS that the amount in controversy exceeds \$75,000.00, Plaintiff is a citizen of Texas, Defendant AXA Equitable Life Insurance Company is a citizen of New York, and Defendant AXA Equitable AgriFinance, LLC is a citizen of New York, Delaware, and Iowa. (ECF No. 29 at 2–3).


<sup>1</sup> The Court also considered Plaintiff's First Amended Complaint (ECF No. 34) filed on September 18, 2019.

As a result, removal of this case was proper, and the Court has subject matter jurisdiction over this suit. The Court will entertain a motion to dismiss Defendant Cottrell when such motion is filed.

It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED. Plaintiff's Motion to Remand (ECF No. 18) is DENIED.

**SO ORDERED.**

December 17, 2019.



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MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE